

9-6-89 21

ORDINANCE NO. 1311

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED SO AS TO GRANT A SPECIFIC USE PERMIT FOR A CHURCH AT THE NORTHWEST CORNER OF WEBB CHAPEL ROAD AND VALLEY VIEW LANE IN AN R-4 ZONING DISTRICT; PROVIDING FOR CONDITIONS OF DEVELOPMENT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (200.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the Charter of the City of Farmers Branch, and the State Law with reference to the granting of changes of zoning under the Zoning Ordinance regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the Governing Body of the City of Farmers Branch is of the opinion that said change in zoning uses should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be and the same is hereby amended by

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amending the Zoning Map of the City of Farmers Branch, so as to grant a specific use permit for a church on the property located at the Northwest corner of Webb Chapel Road and Valley View Lane in an R-4 zoning district.

SECTION 2. That the property shall be developed as provided for in the Comprehensive Zoning Ordinance and as shown on "exhibit A"; and that Cinco shall not be extended and shall stop at the north property line of the church property.

SECTION 3. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (200.00) for each offense.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. In the addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 5. Whereas, it appears that the above described proper requires that it be given the above zoning classification in order to permit its proper use and development, and in order to protect the public interest, comfort and general welfare of the City of Farmers Branch, and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publica-

tion of the caption of said ordinance, as the law in such cases provides.

APPROVED:

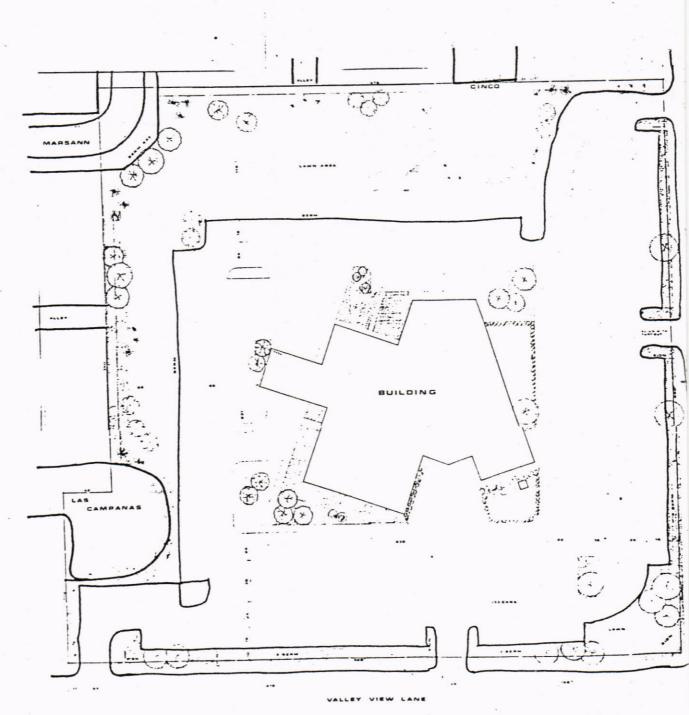
Mayor

APPROVED AS TO FORM:

City Attorney

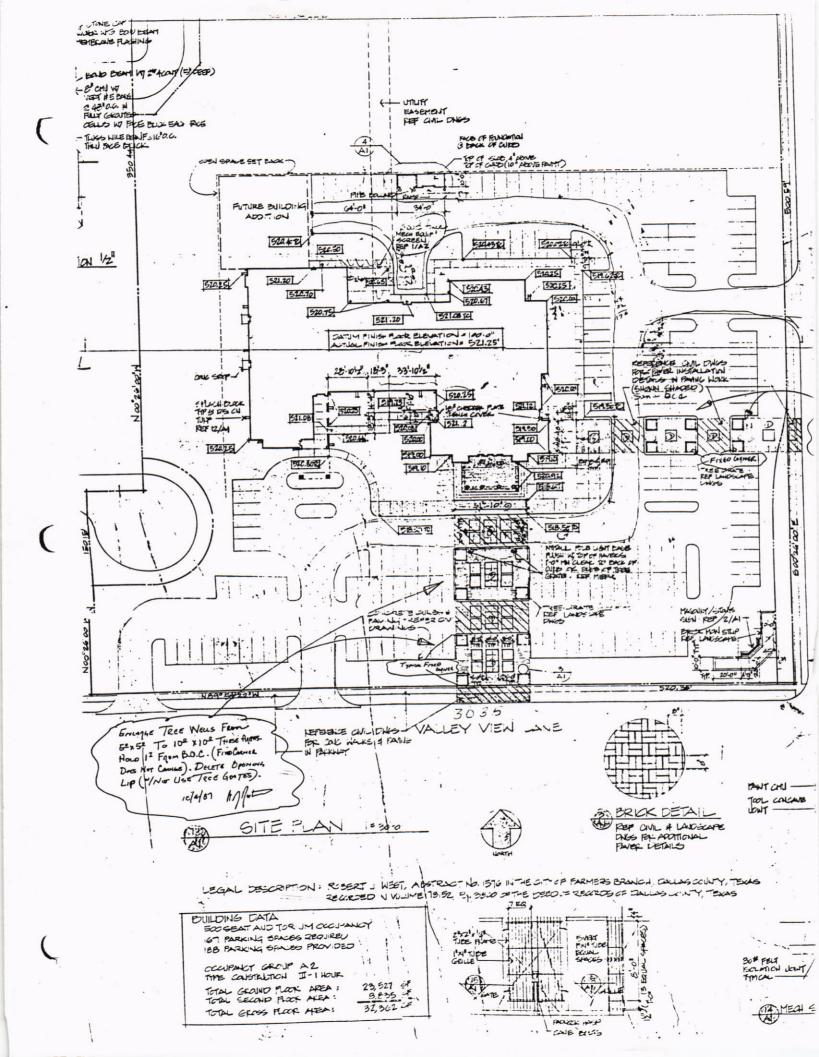
ATTEST:

City/Secretary



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MINUTES OF A REGULAR MEETING

PLANNING AND ZONING COMMISSION

FARMERS BRANCH, TEXAS

JUNE 9, 1980

7:30

COUNCIL CHAMBERS

POLICE BUILDING

*-bers of the Planning and Zoning Commission present:

Vice-Chairman

Joe Byrd
Doug McNeill
John Herndon
Carol Dingman
Gary Carley

*mbers of the Planning and Zoning Commission absent:

Chairman

J. C. Foster Joe Koegler

*mbers of the City Administration present:

Building Official Building Inspector

Tom Scales Larry Hurtt

ice-Chairman Byrd called the meeting to order at 7:30 P.M.

INSIDER REQUEST TO DECLARE AN EMERGENCY AND PLACE AN ITEM ON THE

Enguested by the City Administration to consider declaring an sergency and place an item titled "Public Hearings: To Consider Sending the Zoning Ordinance by Amending the Zoning District assification from LI to PD-LI on property on the northwest orner of Spring Valley Road and Inwood Road on the Planning and Commission agenda.

Scales stated that the reason for the request was that there is been recent plans for development for the subject property; wever, the developers have not been able to purchase the pro-certy or develop a plan that provides for consistent development roughout the area. The area consists of small lots with litiple ownership which at one time was a residential area. It requested that the Planning and Zoning Commission call public sarings to consider rezoning the property to planned development hing district to allow for additional controls to provide for liform development throughout the property. It is recommended

the area under consideration include not only the properties acent to Darrell Road and Arborview but also the large undeloped tract immediately to the west.

conded the motion with all members voting "aye". The motion that the errored. The emergency agenda item was placed on the agenda as item was placed on the agenda as item number 10a.

SPROVAL OF THE MINUTES OF THE MAY 27, 1980 MEETING.

rs. Dingman made a motion that the minutes be approved as written. Mr. Herndon seconded the motion with all members voting twe. The motion carried. The minutes were approved as written.

INSIDER REQUEST FOR FINAL PLAT APPROVAL OF THE MOBIL OIL COMPANY ROPFRTY LOCATED AT THE NORTHWEST CORNER OF ALPHA ROAD AND MIDWAY TOAD.

Mr. Scales stated that the Mobil Oil Company tract of land is located at the northwest corner of the intersection of Alpha Road and Midway Road. The property is in a light industrial zoning district. The property is being platted in order to create a stuilding site for Mobil Oil Research and Development Corp. The plat complies with City's requirements for final plat approval and it is recommended that it be approved.

The Commission entered into a discussion concerning development of the property. The Commission discussed the future building that would be constructed on the property. Following the discussion, Mr. Herndon made a motion to recommend to the City Council that the final plat of the Mobil Research and Development Corp. Subdivision be approved. Mrs. Dingman seconded the motion with all members voting "aye". The motion carried. The Commission recommends the final plat be approved.

FUBLIC HEARING: CONSIDER REQUEST FOR A SPECIFIC USE PERMIT FOR A HURCH IN A R-4 ZONING DISTRICT. PROPERTY LOCATED AT THE NORTH-

Mr. Scales stated that Section 8-102 of the City Zoning Ordinance requires a specific use permit to operate a church or rectory use in an R-4 zoning district. Farmers Branch Church of Christ has purchased a 5.62 acre tract of land at the northwest corner of Valley View Lane and Webb Chapel. The church would like to construct a building on the property, and move their congregation which is now meeting at 2570 Valley View Lane to the new site.

Mr. Scales stated that the church has prepared a site plan showing proposed improvements for the Commission's review. Mr. Scales stated that the church has revised the site plan originally submitted to incorporate comments of the City Administration. Mr. Scales stated the following comments about the site plan.

- The driveways along Valley View Lane be closed and the site plan indicate access to the site from Las Campanas Street extension.
- Sidewalk along street curbs should be six feet wide with landscaping from the sidewalk to the paved parking lot areas.
- 3. The site plan should indicate the proposed use of the property along the north property line of the site.
- 4. A six foot high masonry screening wall should be indicated on the site plan along the west and north property lines.
- 5. The sign location indicated on the revised site plan should be moved further into the property.
- 6. The City's Zoning Ordinance requires the 30 foot front yard set back along both streets to be kept free and clear of the paved parking areas. The revised site plan indicates parking areas within the front yard set back.
- The alley between Las Campanas and Marsann to be extended to Marsann.
- 8. A detailed landscape plan be required and approved before building permits are issued.

Scales stated that the site plan indicates the extension of Campanas to Valley View Lane, extension of Cinco to Webb Chapel Lane, and the connection of Marsann.

Fr. Ken Pope was present representing the Farmers Branch Church of firist. Mr. Pope gave a history of the church in Farmers Branch.

Fr. Pope stated that the church has 350 members today. The member-inip is comprised mostly of Farmers Branch residents. Mr. Pope seviewed the site plan with the Planning and Zoning Commission and stated that the church was requesting paved parking to be allowed within the front yard setback along both Webb Chapel and Valley View line. Mr. Pope proposed an alternate screening system along west and north property lines. Mr. Pope stated that the church has indicated the extension of the streets through their property on the site plan; however, it was not the desire of the church to extend the streets, and the church could be served adequately without extension of the streets through the property. Mr. Pope stated that the church does not normally hold services during peak staffic hours of the day.

ice-Chairman Byrd asked for comments from the audience. The ollowing spoke:

John Conniff, 2991 Las Campanas. Mr. Conniff stated that he ived at that address for several years. Construction of the murch would place 300 more cars at one of the busiest intersections in the street. When he purchased his home over there, the

perty was zoned residential and he was assured that it would developed for residential purposes. He is at the end of an ley that at times cannot be used because it is blocked by nicles. The church wants to use the property now but they n't want to open the streets up. Seven churches exist now thin the immediate vicinity. He doesn't want his taxes to go because that property is removed from the tax rolls. He wants to streets and alleys opened up and the vacant property opened and the property used for single family homes. He requests the permit not be allowed under any circumstances due to the following the permit has afternoons: (1) for the safety of the area, (2) because the people who have been there for a long time hoped to have more houses and neighbors, and (3) to hold down the noise.

John DiTucci, 2928 Las Campanas. Mr. DiTucci stated that he add been living at that address for 10 years. When he bought his time, he was shown a plat with the streets being drawn through the coperty and was assured that the property would be developed as single family homes. He also has a flooding problem at his home and has been told by the City Engineers that the problem cannot alleviated until the property is developed in homes. He does not believe that several acres of black top pavement will help alleviate the drainage problem.

Robert A. Johnson, 2930 Harlee. Mr. Johnson asked how often the murch met. Mr. Johnson stated that he felt that the church may imp as much as 300 cars several nights week into a quiet residential meighborhood. Mr. Johnson stated that he was also opposed to the property being developed by a tax exempt organization.

Ken Pope. Mr. Pope stated that under maximum conditions he felt that the church would produce only 200 to 225 cars. Small groups do that the church during the weekdays. The small groups would renerate no more than 30 to 40 cars. The building is not designed for expansion. Once the church reaches capacity, they will not expand the building, but will look for another site at some other location, perhaps in North Carrollton or Richardson or some other lity. The church has been looking for a site for the past five rears. The church would like to stay in Farmers Branch, but there is a scarcity of property within the city. The church is the owner the property.

Darrell Fleming, architect for the church. Mr. Fleming stated that his professional recommendation was that traffic from the murch be emptied onto streets that are now serving as collectors. All water within the site should be collected and placed into an onsite storm sewer system and then carried to the city storm sewer system. If the property were to be developed for residential uses, if the property were to be developed for residential uses, if the sketches are correct, the purchase price and the development system would place the price of individual residential lots at 160,000 to \$65,000 each.

Roland Hayes, 14506 Sunrose Lane. Mr. Hayes stated that he had been a resident for 6 years. He is in favor of churches

ring taxes on property. He said state law, however, excludes riches from paying taxes and that all citizens enjoy the tax exempt tus through their home churches. The property in question should be panalized because of a tax free status. The peak traffic times church services are on Sunday mornings and when there is very the traffic on city streets.

Mrs. Marlene B. Smith, 3105 Valley View. Mrs. Smith stated at she had lived at the northeast corner of Valley View and Webb spel for 20 years. She has seen everything built that is there w. They do not think that a church would harm the traffic situation. They knew when they purchased the property that the area wild change.

Maxine Yarborough, 2953 Marsann. Mrs. Yarborough stated that the would not object to the church. Traffic may be a problem; wever, if the property was developed in residential uses, there may be much more traffic problems than there would be with a church. The does not object to the request.

Ben Collard, 2930 Marsann. Mr. Collard did not object to the murch being constructed on the property. He did object to traffic ming allowed on Las Campanas, Cinco, and Marsann. Mr. Collard suggested that all traffic be channeled directly to Valley View Lane collard stated that he enjoyed the dead end streets which slowed his children to play without fear of traffic.

Ed Hayward, 2967 Las Campanas. Mr. Hayward stated that he was it particularly opposed to the church. There were several small mildren who lived along the streets, and he did not wish the treets to be extended because someone would get hurt.

Diane Holmes, 13230 Glenside. Mrs. Holmes stated that Glensides one of the major thouroughfares from Webb Chapel Road and Glenside has more traffic than other streets because it is a through street. Through streets attract more traffic, particularly teenagers who have to drive fast. Mrs. Holmes stated that she is also a realtor and has seen the impact on residential areas when they are sandwiched between churches, schools, or shopping centers. Of concern to seeple who are buying houses which cause the homes to lose some of their appeal are aesthetic problems due to masonry walls being erected fround the properties and lack of maintenance of church property. Amaintained easements and property around churches tend to collect trash, bottles, and attract undesirables and teenagers. She feels the property should remain strictly single family residences as clanned.

Tom Shotwell, 13243 Glenside. Mr. Shotwell stated that he had circhased his home in 1970 and has lived there ever since. Mr. notwell requested the property remain for single family homes is originally intended. Mr. Shotwell sited examples of automobiles riving to the front yards of homes, heavy traffic flows in the rea and asked about overflow parking for church on residential treets, and bus parking. Mr. Shotwell asked the Commission to seep the property for single family homes, no churches.

Jeanne Coker, 2962 Las Campanas. She is not opposed to the surch being constructed, but does not want traffic directed onto Campanas, Cinco, and Marsann, and would like to have all suffic diverted directly to Webb Chapel and Valley View.

John Holmes, 13230 Glenside. Mr. Holmes stated that he was encerned that there were 13 to 15 points of contention between the church and the city over the site plan. No remarks had been didressed to lighting of the church parking lot. What effect will the church parking lot lighting have on the adjacent homes. There will be a need for additional police protection in the area accause of the increased access.

Arthur Beach, 13317 Cinco. Mr. Beach presented a petition to the Commission, with 12 signatures, stating that the signees are sposed to the extension of Cinco or the alley serving the streets of Cinco and Marsann. Mr. Beach stated that he did not oppose or bject to the church as such. He did object to the extension of the alley at Cinco. The residents along Cinco planned to ask the street for garbage pickup at the street rather than the alley because of the danger of garbage trucks having to back down the alley after the street up to pick up the garbage.

Robert Langer, 2970 Marsann. He discussed the location of refuse container on the property. Churches cause trash, parking roblems in front of residences, and noise from children playing a green belt areas. He was not opposed to the church, but conmerned about location of improvements on the property.

John Allen, 3048 Valley View. They will need a lot of planning to handle traffic increases from the church. The streets are loaded tow and can't handle more traffic. Will the church have a nursery?

Keith Perry, 13311 Cinco. Mr. Perry stated that he had a small mild. The reason he purchased the home was because of the dead end treet. Some children who live along Cinco are deaf and cannot hear car or truck coming. He did not want the alley or street opened ...

Darrell Lewis, 2976 Marsann. Mr. Lewis stated that he was the of those signing the petition, not necessarily opposing the ocation of the church, but opposing the opening up of the treets, but after listening to the testimony concerning contruction of the church, he now wonders if the church is necestry. Do they need the church at that location that badly? If the church were over-crowded would they still continue to have now services on Sunday morning as they previously did rather than the one service on Sunday morning that they are having now? The church will diminish the value of other residential property. The does not want to walk outside of his home and look out of his landow and see a six foot masonry fence. The church has not solved to his satisfaction that it needs a new church building. It is opposed to the valuable residential property going off the the rolls. The church could relocate to north Carrollton where

ere is a large population increase. There are plenty of erches of Christ in the area to handle the growth. Farmers ench is declining in population. Since the city is not growin, he is opposed to the property being taken off the tax rolls used for a church site.

Alice Sealy, 2940 Las Campanas. Ms. Sealy stated that she eyes right at the corner of Las Campanas and with as little affic as they have now it is not a safe corner. Cars take the ener too fast and drive into yards. It is a nice quiet neighborhood now. If the streets were opened there would be an excrease of traffic. Ms. Sealy stated that she would like to ever children sometime in the future and she would fear for their energy if the street was opened. Any increase on the street will ake the situation worse.

Alvin Thomas, 2668 Leta Mae. Mr. Thomas stated that the City of Farmers Branch may not be growing, but that the Farmers Branch church of Christ is definitely growing. It appears that half the mople present are for the church and one half present are against the church. Approximately 60 to 70 percent of the church member—thip uses the intersection now at Valley View and Webb Chapel Lane. The church has been in the church for 70 years and they have a membership of 350 now. The hopes it does not take another 70 years to reach a membership of 300. At the time the church reaches a membership of 600, he feels that there will be a congregation located in another city.

Mrs. Weaver, 2934 Las Campanas. Mrs. Weaver stated that she is not against churches. To state that a church will not grow then you build a new building is asinine, that's the purpose of milding a new church. She is not opposed to churches. If the mixing lot is paved, what's going to prevent the properties from moding out on Las Campanas? On three occassions she has seen water the door step of Mr. DiTucci's house. The city has installed a mainage easement but if the church parking lot is constructed there will still be flooding. If the city increases the size of the easement, it will have to tear up the lawns of three homes.

Odell Farr, minister for the Farmers Branch Church of Christ. Farr stated that the Farmers Branch Church of Christ membership consists basically of Farmers Branch and Carrollton residents. In the service of the residents live in the service area and use the intersection of Valley View and Webb chapel at the present time. The church does not have a 24 hour peration. There are basically three worship services during the seek, two on Sunday and one on Wednesday night. There are small chaining sessions during several nights of the week, but no more chan 20 to 30 cars at each session. There are no plans for a carsery now, and the church has never operated a nursery in its listory. The church does not own a bus, and there are no plans for buses. The church would like the property to have streets sell lighted in order to prohibit vandalism. The church maintains

rch appreciates the comments of the neighbors and residents of area and wants to be a good neighbor to each of them. The irch has no objection to the streets being closed if the neights and the city would like the streets left closed. The church had not object to closing them. The church had requested and ight input from neighbors; however, since there was very little put from the neighbors, the church designed their site plan to misfy the comments from the city.

John Watkins, 3306 Arawak. Mr. Watkins stated that he is a liber of the Farmers Branch Church of Christ. He is a father, is a grandfather and is aware of the safety of children. He was on a cul-de-sac and considers it a blessing. Mr. Watkins winted out that it was not the desire of the church to extend he streets or open the streets to the church property. But to have the streets as dead-ends so as to be good neighbors to the sidents there.

Derrell Fleming. Mr. Fleming, the architect for the church, agested that a possible residential street development plan, if the property were developed for residential uses. Mr. Fleming sticated that the possible residential development plan would acrease traffic accessibility to the area. Mr. Fleming stated that he agreed that churches should pay taxes as well as everyone as itself. Mr. Fleming stated that the church solicited input from the neighborhood and that he himself personally contacted neighbors and he and the church appreciated their input.

Jim Smith, 1324 Cinco. Mr. Smith asked Mr. Scales why the sty wanted the streets completed. Mr. Scales stated that the sty Staff felt that it was poor planning to have dead end streets thin the city, increased access was needed for emergency vehicles, if for convenience for the citizens. Mr. Smith stated that there are several small children that played in the area and that the arch has stated that they are opposed to extending the streets that he is opposed to extending Cinco, also.

Scales stated that 46 notices were mailed to surrounding sperty owners. There were 3 written responses approving the squest. There was no written responses opposing the request in oresponse from the remaining 43 property owners. Mr. Scales sated that one phone call was received supporting the request.

Pere entered into a discussion among the Commission members and a audience concerning mailed notices. The Commission explained at all property owners within 200 feet of the subject operty are required by law to be notified of the request.

One else in the audience spoke. Mr. McNeill made a motion to ose the public hearing. Mr. Herndon seconded the motion with members voting "aye". The motion carried. The public hearing closed.

one else in the audience spoke. Mr. McNeill made a motion to see the public hearing. Mr. Herndon seconded the motion with members voting "aye". The motion carried. The public hearing closed.

commission discussed extending the streets through the sperty, impact of increased traffic in the area, possibility leaving the streets as dead ends, screening, drainage, and scaping, parking within the required front yard, establishing green belt along residential areas, and the possibility of equesting additional site plans. The church representatives that there would be no bell in the tower. Following a company discussion, Mr. Carley made a motion that consideration request for specific use permit be continued until the June 1930 meeting. Mr. McNeill seconded the motion with all embers voting "aye". The motion carried. The Commission continued consideration of the item until the June 23, 1980 meeting.

The motion made a motion to recommend to the City Council that they module a traffic study to see how this church will impact the material in the area (Valley View and Webb Chapel) with the streets closed and with them open, and that the recommendation be placed on the City Council agenda. Mr. McNeill seconded the motion with all members voting "aye". The motion carried. The Commission recommends to the City Council that a traffic study be made see how the impact of traffic from the church will affect the mea of Valley View and Webb Chapel with the streets closed and onth them open.

INSIDER REQUEST FOR SITE PLAN APPROVAL FOR THE PROPERTY LOCATED AT HE SOUTH WEST CORNER OF JOSEY LANE AND VALLEY VIEW LANE.

- **Incompson & Partners Inc. for the Farmers Branch Shopping Center which is located at the south west corner of Josey Lane and Valley View Lane in the PD-8 (LR-1) zoning district. The site plan indicates the semoval of some existing signs along Valley View Lane, including the large Farmers Branch Shopping Center sign, the construction of a new shopping center identification sign at the south west corner of calley View Lane and Josey Lane. The site plan indicates the construction of new store fronts within the shopping center, the resurscing of the parking lot, construction of concrete pads for refuse sumpsters, and other improvements on the property.
- Tr. Scales stated that he had discussed landscaping agreements with the Director of Parks and Recreation. It was his understanding that the owner of the Farmers Branch Shopping Center has entered into a andscaping agreement with the City of Farmers Branch, and a phased than for landscaping will be carried out on the property.
- Tr. John Cole was representing the John R. Thompson & Partners Co. Tr. Cole and the Commission entered into a discussion concerning the lite plan and specific improvements on the plan. Mr. Cole reviewed the recommendations of the City Administration and stated that he lelt that there would be no problem in complying with the recommendations.